

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
HARRISON DIVISION

AGERT LEE McBEE

PLAINTIFF

vs.

Case No. 06-3006

ALLSTATE INDEMNITY COMPANY

DEFENDANT

**O R D E R**

On this 30th day of March, 2006, comes on to be considered plaintiff's **Petition to Remand (Doc. 11)** and defendant's **Response (Doc. 14)**. The Court, being well and sufficiently advised, finds and orders as follows:

1. Plaintiff initiated this action in state court, alleging that defendant issued plaintiff an insurance policy providing coverage in the amount of \$75,345.00, and that defendant was in breach of contract for refusing to pay plaintiff's claim under the policy. (Doc. 1 Ex. A.)

2. Defendant removed the action to this court on the basis of diversity jurisdiction. (Doc. 1.)

3. Plaintiff thereafter amended his complaint to clarify that his total claim, including costs, penalties, and attorney's fees, does not exceed the diversity jurisdictional limit. (Doc. 10.) Plaintiff now moves to remand this case for lack of federal jurisdiction. (Doc. 11.) Defendant responds that it consents to the remand. (Doc. 14).

4. Based on the foregoing, plaintiff's **Petition to Remand (Doc. 11)** is **GRANTED** and this case is hereby **REMANDED** to the Circuit Court of Baxter County, Arkansas.

Defendant's **Motion for Protective Order (Doc. 9)** is **DENIED** as moot.

IT IS SO ORDERED.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE